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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/725,656	11/29/2000	David J. Barich	47440-037000	9587

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EXAMINER

COZART, JERMIE E

ART UNIT PAPER NUMBER

3726

DATE MAILED: 12/12/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/725,656

Applicant(s)

BARICH ET AL.

Examiner

Jermie Cozart

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 21 July 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-22,25,26 and 29-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 21,22,25,26 and 29-31 is/are allowed.
- 6) ☒ Claim(s) 1,2,4-7,9-16,19 and 20 is/are rejected.
- 7) ☒ Claim(s) 8,17 and 18 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 2, 4, 10, 13, 19, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tatum in view of Ng and Staples.

Tatum discloses repairing railcars, providing a railcar maintenance facility wherein the maintenance facility comprises a plurality of maintenance/repair stations (A-spot, B-spot, C-spot, D-spot, E-spot, F-spot), transferring the railcar to at least one of the maintenance/repair stations, working on the railcar within the maintenance stations, and moving the railcar out of the maintenance facility. Tatum also discloses disassembling the railcar to repair the railcar within a first maintenance station (A-spot), reassembling the railcar after it is repaired within a second maintenance station (C-spot). Tatum further discloses removing all defective parts that are to be renewed or repaired which is considered to be similar to cleaning the railcar within one of the maintenance stations.

Tatum, however, does not disclose a transfer area, moving the railcar to the transfer area, inspecting the railcar for maintenance needs prior to moving the railcar to the transfer area, inspecting the railcar for maintenance needs, administering a designation to the railcar based on the maintenance needs of the railcar, providing a

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first communication means associated with a first maintenance station for communicating whether the first maintenance station is available to receive the railcar, providing a second communication means for communicating whether the second maintenance station is available to receive the railcar, wherein the railcar is held in a first queue area if the first communication means indicates that the first maintenance station is unavailable to receive the railcar even if the second maintenance station is available to receive the railcar and further wherein the railcar is transferred into the maintenance facility if the first communication means indicates that the first maintenance station is available to receive the railcar even if the second communication means indicates that the second maintenance station is unavailable to receive the railcar, or holding the railcar within a queue area when a maintenance station is not available.

Ng discloses a transfer area (not labeled in Figure 1, the area where the car (16) is transferred to an alternate inbound railway (20) en route to the maintenance facility (26)), moving the railcar (16) to the transfer area (described above), inspecting the railcar for maintenance needs prior to moving the railcar to the transfer area (column 5, lines 29-39), inspecting the railcar for maintenance needs (see also column 5, lines 29-39), and administering a designation via manual communication units (62) to the railcar based on the maintenance needs of the railcar. See column 5, lines 39-48 for further clarification.

Staples discloses providing a communication means associated with a first maintenance station (e.g. location where portable working unit is located) for communicating

whether the first maintenance station is available to receive the railcar, providing a second communication means (*e.g. cpu*) at each second station for communicating whether a particular maintenance station is available to receive the railcar, communicating to an operator (*switch foreman*) via the communication means, the availability of the maintenance stations, and transferring the railcar to a maintenance station (*e.g. empty track area*) that is available based on the communication of the maintenance stations to the operator. *See attached KWIC sheet; column 3, line 25 – column 4, line 14; column 6, lines 44-53; column 15, lines 15-46 for further clarification.*

In the process of repairing or servicing of vehicles it is conventional and well known to one having ordinary skill in the art, to transfer vehicles from a staging area (i.e. parking area) to a queue area (i.e. area where vehicles are lined up in preparation for service or maintenance) wherein the vehicles are held until a maintenance station is available to repair or perform service on a vehicle. The queue area essentially serves as a waiting line to maintain order in the repairing or servicing process. This process is very well known at automobile service stations, as for example, Jiffy Lube®, and is readily applicable to railcars, airplanes, buses, etc. For example, Jiffy Lube® includes a maintenance facility with many stations. Vehicles requiring service typically drive up to a “transfer” area in front of one of the respective stations whereby the vehicle is transferred to one of the stations to have maintenance performed thereon. Upon completion, the vehicle is transferred out of the facility. However, on busy days, the transfer area is quickly filled and vehicles are parked in an overflow parking area or “queue area” as set forth by applicant. In addition, first particular stations are

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designated to perform certain operations, and these certain operations need to be performed at the first designated station before being transferred to a second station even if the second station is available. Again, this well known method is applicable to buses, airplanes, and railcars just to name a few.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to provide the invention of Tatum with a transfer area, move the railcar to the transfer area, inspect the railcar for maintenance needs prior to moving the railcar to the transfer area, administer a designation to the railcar based on the maintenance needs of the railcar, to provide a communication means associated with a first maintenance station for communicating whether the first maintenance station is available to receive the railcar, to provide a second communication means associated with a second station for communicating whether the second maintenance station is available to receive the railcar, to communicate the availability of the maintenance stations, to transfer the railcar to a first maintenance station only if the first maintenance station is available, and to hold the railcar within a queue area when a maintenance station is not available, in light of the teachings of Ng, Staples, and that well known in the art, in order to effectively schedule and perform preventive maintenance and repair of a damaged or potentially defective railcar, route appropriate railcars to locations based on communication to thereby increase safety during the repair and maintenance process, and to provide a separate area where vehicles are held in preparation for service or maintenance when a maintenance station is not available.

3. Claims 5 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tatum/Ng/Staples as applied to claims 1, 2, 4, 10, 13, 19, and 20 above, and further in view of Williams.

Tatum/Ng/Staples as modified above discloses all of the claimed subject matter except for providing an inbound railway and an outbound railway, moving the railcars into and out of the maintenance facility via the inbound and outbound railways, respectively, or providing an inspection area connected to an inbound railway.

Williams discloses providing an inbound railway (26) and an outbound railway (28), moving the railcars into and out of the maintenance facility (30) via the inbound and outbound railways (26, 28), respectively, and providing an inspection area contained in the maintenance facility (30) connected to the inbound railway (26), in order to more effectively deliver railcars into the proper area for either repair and/or being placed back into operating service. *See column 3, lines 32-56 for further clarification.*

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to provide an inbound railway and an outbound railway to the apparatus of Tatum/Ng/Staples, move the railcars into and out of the maintenance facility via the inbound and outbound railways, respectively, and to provide an inspection area connected to an inbound railway, in light of the teachings of Williams, in order to more effectively deliver railcars into the proper area for either repair and/or being placed back into operating service.

4. Claims 6, 7, 11, and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tatum/Ng/Staples as applied to claims 1, 2, 4, 10, 13, 19, and 20 above, and further in view of Japanese Patent 09248766 (JP`766).

Tatum/Ng/Staples as modified discloses all of the claimed subject matter except for removing a paint coating from an interior of the railcar within one of the maintenance stations, removing a paint coating from an exterior of the railcar within one of the maintenance stations, removing the paint coating by blasting the interior of the railcar with a scouring material, or the scouring material being selected from the group consisting of metal grit, metal pellets, sand, and water.

JP`766 discloses removing a paint coating from a surface of the railcar, removing the paint coating by blasting the surface of the railcar with a scouring material, wherein the scouring material is water. It is apparent that the paint is removed from a surface of the railcar.

It is conventional and well known that a surface requiring paint removal may be an interior and/or exterior surface of a vehicle.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to remove a paint coating from an interior and/or exterior of a railcar of Tatum/Ng/Staples, and to remove the paint coating by blasting the interior surface of the railcar with a scouring material, wherein the scouring material is water, in light of the teachings of JP`766, in order to more effectively reduce the amount of time required to effectively remove paint from a railcar.



5. Claims 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tatum/Ng/Staples as applied to claims 1, 2, 4, 10, 13, 19, and 20 above, and further in view of Kipp.

Tatum/Ng discloses all of the claimed subject matter except for curing the coating of paint within a second maintenance station, providing a paint station connected to the transfer area, providing a cure queue area connected to the transfer area, or transferring the railcar to the cure queue area if the paint station is unavailable to receive the railcar.

Kipp discloses administering a coating of paint to the exterior of a railcar in a first maintenance station (12), and curing the coating of paint within a second maintenance station (14). Kipp also discloses providing a paint station connected to the transfer area, providing a cure queue area connected to the transfer area, or transferring the railcar to the cure queue area if the paint station is unavailable to receive the railcar.

*See pg. 1 col. 1 line 20 – pg. 2 col. 1 line 39 and Figure 1 for further clarification.*

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to cure the coating of paint within a second maintenance station of the apparatus of Tatum/Ng/Staples and provide a paint station connected to the transfer area, provide a cure queue area connected to the transfer area, and to transfer the railcar to the cure queue area if the paint station is unavailable to receive the railcar, in light of the teachings of Kipp, in order to allow for the automatic painting of railcars while moving the cars from one position to another thereby providing an improved reduction in time and work-space.

6. Claims 14 and 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tatum/Ng/Staples as applied to claims 1, 2, 4, 10, 13, 19, and 20 above, and further in view of Stapp.

Tatum/Ng/Staples as modified above discloses all of the claimed subject matter except for providing a transfer table for transferring the railcar through the maintenance facility, the transfer means comprising a plurality of transfer tables, or transferring a plurality of railcars through the facility via the plurality of transfer tables.

Stapp discloses providing a transfer table (8) for transferring a railcar (14) through the maintenance facility. Stapp also disclose a transfer means comprising a plurality of transfer tables (8), transferring a plurality of railcars (14) through the facility via the plurality of transfer tables (8). *See column 2, lines 4-15 for further clarification.*

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to provide a transfer means for the apparatus of Tatum/Ng/Staples having a plurality of transfer tables, and to transfer a plurality of railcars through the facility via the plurality of transfer tables, in light of the teachings of Stapp, in order to more effectively relocate the railcars between tracks in a train yard or railroad facility.

***Allowable Subject Matter***

7. Claims 8, 17, and 18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. Claims 21, 22, 25, 26, and 29-31 are allowed.

***Response to Arguments***

9. Applicant's arguments filed 7/21/03 have been fully considered but they are not persuasive.

Applicant argues that the prior art does not teach or suggest first and second maintenance stations provided with respective first and second communication means wherein the railcar is held in a queue area if the first communication means states that the first maintenance station is unavailable even if the second maintenance station is available.

In response, the Examiner maintains that based on the combination of references renders the claimed invention obvious. More specifically, Tatum discloses first and second railcar maintenance stations. Staples disclose communication means being associated with each repair area. It is conventional and well known to hold vehicles waiting to be repaired in a queue area until the appropriate maintenance station is required. If the appropriate maintenance station is unavailable, then the vehicle remains in the queue area so as to avoid "bottlenecking". In addition, it is known that in order to avoid "bottlenecking", queue areas must be set aside to accommodate overflow of vehicles, and that a vehicle waiting to be repaired should only be released to the appropriate repair station and not to an inappropriate maintenance station merely because the inappropriate maintenance station is available. Therefore, it would have been obvious to provide each of the first and second maintenance stations of Tatum with respective first and second communication means and to hold the overflow of cars in a queue only until the appropriate maintenance station is available, in light of the

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teachings of the previously recited references, in order to effectively determine which maintenance station is available for use so as to release the car from the queue area to the first appropriate maintenance station for repair of the car.

***Conclusion***

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

11. Telephone inquiries regarding the status of applications or other general questions, by persons entitled to the information, should be directed to the group clerical personnel. In as much as the official records and applications are located in the clerical section of the examining groups, the clerical personnel can readily provide status information. M.P.E.P. 203.08. The Group clerical receptionist number is (703) 308-1148.

12. If in receiving this Office Action it is apparent to applicant that certain documents are missing, e.g., copies of references cited, form PTO-1449, form PTO-892, etc.,

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requests for copies of such papers or other general questions should be directed to Tech Center 3700 Customer Service at (703) 306-5648, or fax (703) 872-9301 or by email to [CustomerService3700@uspto.gov](mailto:CustomerService3700@uspto.gov).

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jermie Cozart whose telephone number is 703-305-0126. The examiner can normally be reached on Monday-Thursday, 7:30 am - 6:00 pm.

14. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Vo can be reached on 703-308-1789. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306 for regular communications and 703-872-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1148.

If the information desired is not provided above, or a number has been changed, please call the general information help line below.

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**DAVID P. BRYANT**  
**PRIMARY EXAMINER**

JC   
December 9, 2003